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7
8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA

10 JAMES M. KINDER,

11 Plaintiff,

12 v.

13 ASTRA BUSINESS SYSTEMS, INC.,

14 Defendant.

Case No.: 07-cv-02091 DMS AJB

**DEFENDANT'S STATEMENT OF NON-
OPPOSITION TO PLAINTIFF'S MOTION
TO REMAND**

DATE: April 25, 2008
TIME: 1:30 p.m.
COURTROOM: 10

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17 Defendant does not oppose Plaintiff's motion to remand this matter to California state
18 court for the county of San Diego. Defendant maintains, however, that there was and remains a basis
19 for Federal subject matter jurisdiction in this matter.
20

21 Dated: April 10, 2008

Ellis, Coleman, Poirier, LaVoie, & Steinheimer LLP

22
23
24 By 

David B. Leas
Attorney for
ASTRA BUSINESS SYSTEMS, INC.

CERTIFICATE OF SERVICE

I, Maria Gutierrez, declare:

I am a citizen of the United States, am over the age of eighteen years, and am not a party to or interested in the within entitled cause. My business address is 555 University Avenue, Suite 200 East, Sacramento, CA 95825.

On April 11, 2008, I served the following document(s) on the parties in the within action:

Defendant's Statement of Non-Opposition to Plaintiff's Motion to Remand

X	VIA ELECTRONIC SERVICE: The above-described document(s) will be delivered electronically through the Court's ECF/PACER electronic filing system, as stipulated by all parties to constitute personal service, to the following:
	BY MAIL: I am familiar with the business practice for collection and processing of mail. The above-described document(s) will be enclosed in a sealed envelope, with first class postage thereon fully prepaid, and deposited with the United States Postal Service at Sacramento, CA on this date, addressed as follows:
	BY HAND: The above-described document(s) will be placed in a sealed envelope which will be hand-delivered on this same date by _____, addressed as follows:
	VIA FACSIMILE: The above-described document(s) was transmitted via facsimile from the fax number shown on the attached facsimile report, at the time shown on the attached facsimile report, and the attached facsimile report reported no error in transmission and was properly issued from the transmitting facsimile machine, and a copy of same was mailed, on this same date to the following:
	VIA OVERNIGHT SERVICE: The above-described document(s) will be delivered by overnight service, to the following:

Chad Austin
Attorney at Law
3129 India Street
San Diego, CA 92103

Attorneys for
Plaintiff James M. Kinder

I declare under penalty of perjury under the laws of the State of California that the foregoing is a true and correct statement and that this Certificate was executed on April 11, 2008.

By: _____

Maria Gutierrez